

**RECEIVED**  
**CENTRAL FAX CENTER**  
**MAR 03 2005**

THOMAS J. PERKOWSKI, ESQ., P.C.  
*Intellectual Property Advocacy*  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902

Thomas J. Perkowski  
Also admitted in New York

Telephone: 203-357-1950  
Facsimile: 203-357-1959  
Email: info@tjpatlaw.co

FACSIMILE TRANSMITTAL LETTER

Date: March 3, 2005 Time: \_\_\_\_\_ AM/PM  
TO: Examiner Michael Chambers of the USPTO  
FROM: Thomas J. Perkowski, Esq., P.C.  
RE: USSN # 10/829,469  
Number of Pages Being Sent Including This Transmittal Letter : 12  
Client-Matter Number: 121-001USANB0  
Transmitted to Facsimile Number: 571-273-4407  
Comments: \_\_\_\_\_  
\_\_\_\_\_

The information contained in or attached to this Facsimile Transmission is intended only for the CONFIDENTIAL use of the individual(s) named above. If you are not the named recipient or an agent of the named recipient of this Facsimile Transmission, you are hereby notified that you have received this communication in error and that review, dissemination or copying of this document is prohibited. If you have received this communication in error, please notify us immediately by telephone (203-357-1950) and return the original documents to us by mail. Thank you.

**RECEIVED**  
**CENTRAL FAX CENTER**

**MAR 03 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Applicants	:	Raymond J. O'Neill and Raymond J. O'Neill, Jr.
Serial No.	:	10/829,469
Filed	:	April 21, 2004
Title of Invention	:	TRANSPORTABLE BASKETBALL SYSTEM HAVING WIND-TRANSMISSIVE MESH BACKBOARD STRUCTURE AND SAND-ANCHORABLE POST ASSEMBLY WITH THREADS AND HANDLES FOR SAFE, SIMPLE AND QUICK INSTALLATION ALONG BEACHES, SHORELINES AND OTHER SAND- COVERED OUTDOOR ENVIRONMENTS
Examiner	:	Michael Chambers
Group Art Unit	:	3711
Attorney Docket	:	121-001USANB0

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

**TRANSMITTAL OF TERMINAL DISCLAIMER (37 CFR 1.321(c))**

SIR:

Attached for entry in the above-referenced Application is a Terminal Disclaimer signed under the provisions of 37 C. F. R. Section 1.321(b)(1)(iv), that provisionally disclaims the terminal period of any patent issuing on the above-referenced application that would extend beyond the expiration of the full statutory term of any patent that issues from U.S. Patent No. 6,575,853.

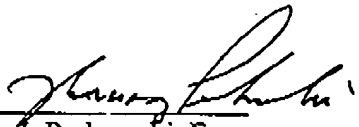
Also attached for entry in the above-referenced Application is a Terminal Disclaimer signed under the provisions of 37 C. F. R. Section 1.321(b)(1)(iv), that provisionally disclaims the terminal period of any patent issuing on the above-referenced application that would extend beyond the expiration of the full statutory term of any patent that issues from U.S. Patent No. 6,743,125.

Attached as well is a Supplemental Information Disclosure Statement and 1449 Form for entry in the above-referenced U.S. Application.

The Commissioner is hereby authorized to charge the requisite disclaimer fees of \$130.00, as well as any fee deficiencies or overpayments to Deposit Account 16-1340. Applicants still qualify as a small entity for the purpose of paying reduced fees in the USPTO.

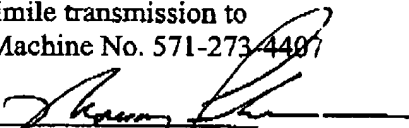
Respectively submitted,

Dated: March 3, 2005

  
Thomas J. Perkowski, Esq.  
Reg. No. 33,134  
Attorney for Applicants  
Thomas J. Perkowski, Esq., P.C.  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902  
203-357-1950  
<http://www.tipailaw.com>

CERTIFICATE OF FACSIMILE SERVICE UNDER  
37 CFR 1.06(d)

I hereby certify that this correspondence  
is being deposited with  
Examiner Michael Chambers of the USPTO,  
Washington, DC 20231  
on March 3, 2005,  
by facsimile transmission to  
USPTO Fax Machine No. 571-273-4407

  
Thomas J. Perkowski, Esq.  
Date: March 3, 2005

PTO/SB/2E (05-04)

Approved for use through 07/31/2006, OMB 0561-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

121-001USAN30

In re Application of:

Application No.: 10/229,489

Filed: April 21, 2004

For: TRANSPORTABLE BASKETBALL SYSTEM HAVING WIND-TRANSMISSIVE MESH BACKBOARD STRUCTURE AND  
SAND-ANCHORABLE POST ASSEMBLY WITH THREADS AND HANDLES FOR SAFE, SIMPLE AND QUICK INSTALLATION...

The owner, Raymond J. O'Neill and Raymond J. O'Neill Jr., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,743,125 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

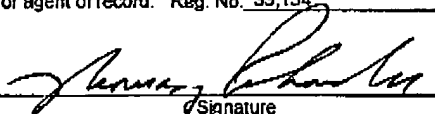
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 33,134



Signature

March 3, 2005

Date

Thomas J. Perkowski, Esq.

Typed or printed name

203-357-1950  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/26 (2S-04)

Approved for use through 07/31/2006. OMB 0551-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

121-0x1USAN80

In re Application of:

Application No.: 10/829,469

Filed: April 21, 2004

For: TRANSPORTABLE BASKETBALL SYSTEM HAVING WIND-TRANSMISSIVE MESH BACKBOARD STRUCTURE AND  
SAND-ANCHORABLE POST ASSEMBLY WITH THREADS AND HANDLES FOR SAFE, SIMPLE AND QUICK INSTALLATION...

The owner\*, Raymond J. O'Neill and Raymond J. O'Neill Jr., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,575,853 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

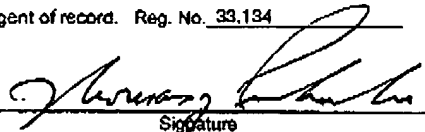
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 33,134



Signature

March 3, 2005

Date

Thomas J. Parkowski, Esq.

Typed or printed name

203-357-1950

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO 2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.